

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HO *et al.*

Appl. No.: 09/960,244

Filed: September 21, 2001

For: **Cell Populations Which Co-  
Express CD49c and CD90**

Confirmation No.: 4326

Art Unit: 1651

Examiner: LANKFORD, Jr., Leon B.

Atty. Docket: 2560.0020000/JAG/D-S

**Twelfth Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(c)**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Twelfth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Eleventh Information Disclosure Statement filed on July 9, 2007 in connection with the above-captioned application.

Copies of documents **NPL13** to **NPL14** are submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

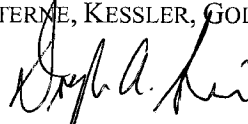
This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: September 11, 2007

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Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>TWELFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number	09/960,244
				Filing Date	September 21, 2001
				First Named Inventor	HO, Tony W.
				Art Unit	1651
				Examiner Name	LANKFORD, Jr., Leon B.
Sheet	1	of	1	Attorney Docket Number	2560.0020000/JAG/D-S

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL13	Batinic, D., <i>et al.</i> , "Relationship between differing volumes of bone marrow aspirates and their cellular composition," <i>Bone Marrow Transplantation</i> 6:103-107, Nature Publishing Group (1990)	
	NPL14	Caplan, A.I. and Bruder, S.P., "Cell and Molecular Engineering of Bone Regeneration," in: <i>Principles of Tissue Engineering</i> , Lanza, R.P., <i>et al.</i> , eds., R.G. Lane Company, Texas, pp. 603-618 (1997)	

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.